

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **People of MI v James Penny**
Docket No. **307301**
L.C. No. **92-005564-01-FC**

William B. Murphy, Chief Judge, acting under MCR 7.203(F)(1), orders:

The claim of appeal is DISMISSED for lack of jurisdiction because the June 30, 2011, order denying a motion for relief from judgment under MCR 6.500 *et seq.* is not appealable of right. MCR 7.202(6)(b); MCR 7.203(A)(1). An appeal from an order denying a motion for relief from judgment under MCR 6.500 *et seq.* must come by application for leave to appeal filed pursuant to MCR 7.205. MCR 6.509(A).

The motion to waive fees is GRANTED for this appeal only.

William B. Murphy
Chief Judge



A true copy entered and certified by Larry S. Royster, Chief Clerk, on

JAN 11 2012

Date

Larry S. Royster
Chief Clerk